

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Emerson et al

Application No.: New U.S. Non-Provisional Patent Application

Filed: _____

Applicant's Docket No.: A0623

For: Automatic Tab Displaying and Maximum Tab Storing User Interface And A Reproduction Machine Having Same

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

PETITION UNDER 37 C.F.R. 1.47 Co-Inventor Cannot Be Reached

This is a petition under 37 C.F.R. 1.47 to allow filing the above subject Patent Application without the signature of co-inventor Kelly J. Breuer who could be reached after diligent effort.

This petition includes proof of the pertinent facts, the fee set forth in Sec. 1.17(h), and the last known address of the nonsigning inventor (Kelly J. Breuer).

Tallam I. Nguti

Attorney Name Tallam I. Nguti
Attorney for Applicant(s)
Registration No. 32,791
(716) 423-2477

TIN/km
6/20/03
Xerox Corporation
Xerox Square 20A
Rochester, New York 14644

(A)

Messina, Karen

From: Messina, Karen
Sent: Thursday, October 31, 2002 10:18 AM
To: Miska, Joseph E
Cc: Nguti, Tallam
Subject: draft application D/A0623 for your review

Dear inventors;

Attached please find a copy of the patent application entitled "AUTOMATIC TAB DISPLAYING AND MAXIMUM TAB STORING USER INTERFACE AND A REPROGRAPHIC MACHINE HAVING SAME" for your review. Also, a copy of the drawings is attached, along with the information disclosure text. Tallam Nguti is the attorney working on this application, therefore any questions should be directed to him. (423-2477)

Please read it over and make any changes or adjustments using TRACK CHANGES and forward them on to Tallam. If you are not familiar with how to use track changes, please feel free to contact me for instructions.

We would like to have your changes and/or comments by Friday 11/4/02.

(also, do you know where Kelly Breuer and William Emerson are located?)

Thank you,
Karen



A0623 TIN v2.pdf



IDTEXTA0623.doc



A0623drftfn.DOC

X

KAREN A. MESSINA

Legal Administrator

Office of General Counsel

Licensing & Litigation Group

✉ Mail Stop: XRX2-20A

☎ Int.: 8 * 223-4061 Ext.: 585-423-4061

💻 E-mail: karen.messina@usa.xerox.com

"Meaning of ASAP.....Always Say A Prayer."

Messina, Karen

⑥

From: Parsons, David M
Sent: Wednesday, November 06, 2002 5:11 PM
To: Messina, Karen
Cc: Miska, Joseph E
Subject: RE: looking for inventors

Karen,

about November 2001

I am sorry, she was terminated for misconduct about a year ago. Joe Miska was here manager. He is still in the same role. Will that help?

He is out of town this week, but can be reached at 7-1137 next week. You might also try one of the co-authors if any are listed.

Dave Parsons

-----Original Message-----

From: Messina, Karen
Sent: Wednesday, November 06, 2002 3:40 PM
T : Parsons, David M
Subject: looking for inventors

Hello,

I am working in the patent department with Tallam Nguti, on a patent that involves several inventors from your area. In order to send formal papers, I need to locate these inventors. One in particular, Kelly Breuer, has left the company, but I don't seem to have a current address, do you?

Thanks,
Karen

X

KAREN A. MESSINA

Legal Administrator

Office of General Counsel

Licensing & Litigation Group

✉ Mail Stop: XRX2-20A

☎ Int.: 8 * 223-4061 Ext.: 585-423-4061

💻 E-mail: karen.messina@usa.xerox.com

"Meaning of ASAP.....Always Say A Prayer."

(C)

Xerox Private Data Confidential	999033 - Breuer, Kelly J (Kelly)	SSN: 113-68-0739
	XRX - XEROX CORPORATION	Job: H02291 - Prod & Sys Design Eng
	M932** - Css ID/HI SOHO Sys Prod Design	FLSA: No FLSA Required
	SMN - XRX SemiMo	Work Location: ZNY1
	Terminated 05/09/2001 Reg/FT	

Personal Information

Name/SSN	Address Detail	Telephone Numbers	Regulatory Information	Citizenship/PS
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Breuer, Kelly J		ID: 999033	
Home Address			
Address 1: 127 Argo Park			
Address 2:			
County:			
City: Rochester	St/Prov: NY	Postal/Zip: 14613	Country: USA
Mailing Address			
Address 1:			
Address 2:			
City:	St/Prov:	Postal/Zip:	Country:
E-Mail Address:			
E-Mail Address 2:			

Kelly Breuer info 4/22/03

Xerox Private Data Confidential	999033 - Breuer, Kelly J (Kelly)	SSN: 113-68-0739
	XRX - XEROX CORPORATION	Job: H02291 - Prod & Sys Design Eng
	M932** - Css ID/HI SOHO Sys Prod Design	FLSA: No FLSA Required
	SMN - XRX SemiMo	Work Location: ZNY1
	Terminated 05/09/2001 Reg/FT	

Personal Information

Name/SSN	Address Detail	Telephone Numbers	Regulatory Information	Citizenship/PS
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Breuer, Kelly J		ID: 999033				
<input type="checkbox"/> International Direct Dial (IDD) Update						
Phone Type	Description	IDD Country	IDD City	Phone Number	Exten/PIN	OK To Publish
HOME	Home Telephone			585/647-1201		N

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(D)

Mitchell, Gaylene

T : Messina, Karen
Cc: Martin, Andrew T
Subject: Patent Application

Karen,

I am putting in interoffice mail (confidential envelope) the patent application and assignment with signatures of IDHI employees. I understand you have been in touch with Rudi Knodt and Bill Emerson to get their signatures.

Concerning Kelly Breuer, I have a phone number from March 2001: 315-986-4008 and cell phone ~~202-08901~~ have no idea if these numbers are current.

gaylene mitchell, administrative assistant

Xer x IDHI Department
1350 Jefferson Rd. 801-10B Rm 1311
Rochester, NY 14623
585-427-6720 8*227-6720
gaylene.mitchell@usa.xerox.com

P.S. Andy, I'll give you a copy.

315-986-4008

Kelly J. Breuer

3768 Ontario Center Rd

Walworth, NY 14568-9320

5/12/2003

~~to be signed~~


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City	State	Approx. Age (req)	
<input type="text"/>	<input type="text" value="Select all States"/>	<input type="text"/>	


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 Option 1 - Click on the name to get the **current or historical address**. (From \$9.95)
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#	Name	City
1	KELLY M BREUER	MILWAUKEE
2	KELLY A BREUER	AURORA
3	KELLY J BREUER	GENEVA
4	KELLY E BREUER	PORTLAND
5	KELLY JOANN BREUER	MINNEAPOLIS
6	KELLY MAE BREUER	LAKE CITY
7	KELLY A BREUER	WASHINGTON
8	KELLY J BREUER	DENVER
9	KELLY ELIZABETH BREUER	SEATTLE

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Detailed Information

Your Search: **Kelly Breuer** ([Try Email Search](#) or [Search Again](#))

Kelly Breuer

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Macedon, NY 14502-8840 ([map](#))

Tel.: (315) 986-4490 ([call this number](#))

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Detailed Information

Your Search: **Kelly Breuer** ([Try Email Search](#) or [Search Again](#))

Kelly Breuer

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Walworth, NY 14568-9320 ([map](#))

Tel.: (315) 986-4008 ([call this number](#))

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THE DOCUMENT COMPANY,

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Rochester, New York 14644

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Kelly Brever
127 Argo Park
Rochester NY 14613

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(17)

Standard Version - USA*

Proprietary Information and Conflict of Interest Agreement

THE DOCUMENT COMPANY
XEROX

In consideration of my employment by Xerox Corporation, I agree that:

- (A) While employed by Xerox, I will not work independently in, nor will I work for or advise any person(s) engaged in, similar business or research as performed by Xerox.
- (B) During and after my employment at Xerox, I will promptly notify Xerox of all inventions, discoveries, computer programs and systems, works of authorship, improvements, and developments, which I may produce during my employment with Xerox, and I assign my right, title, and interest to Xerox in such inventions, discoveries, computer programs and systems, works of authorship, improvements, and developments.

I also assign my right, title and interest in any patents or patent applications based on such inventions, discoveries, computer programs and systems, works of authorship, improvements, and developments to Xerox, and will assist (at no personal financial expense) in obtaining and maintaining any patents for the benefit of Xerox.

However, I am not obligated to assign any inventions, discoveries, computer programs and systems, works of authorship, improvements, and developments, and applicable patents or patent applications to Xerox, which in the judgment of Xerox are unrelated to the actual or potential business or research efforts of Xerox.

- (C) During and after my employment with Xerox, I will neither disclose nor assist in the unauthorized disclosure of Xerox confidential or proprietary information (which includes, but is not limited to, trade secrets, formulas, customer data, strategies, methods, processes, machines, inventions, discoveries, computer programs and systems, works of authorship, improvements, and other developments), nor will I use such information except as required by Xerox.
- (D) During my employment with Xerox, I will not in the course and scope of my employment use any confidential or proprietary information of my prior employer(s), or disclose or assist in the disclosure of such confidential or proprietary information to Xerox.
- (E) I understand that, unless I receive written consent from Xerox, my obligations under this Agreement may not be modified, released, or terminated.
- (F) I am not a party to any agreements which in any way conflict with the foregoing provisions, nor do I own or have an interest in a patent application or unpatented invention.*
- (G) I am not now a promoter, director, employee, officer or consultant of a for-profit organization, and I understand that the prior written consent of Xerox is required before I may accept any future positions of this nature and remain an employee of Xerox.*
- (H) I will advise my immediate manager of any matter which appears to present a conflict of interest with Xerox and I will promptly comply with the action requested by Xerox to resolve conflicts should they exist.
- (I) This agreement supersedes all prior proprietary information and conflict of interest agreements with Xerox.

*Subject to Xerox' approval, list here any agreements, activities, and positions that you wish to exclude from the provisions of paragraphs F and G.

Employee:

Kelly Brewer

Manager:

Date:

7/30/98

* Note: Order Form 58437 for California and Form 59651 for Illinois

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Emerson et al

Application No.: New U.S. Non-Provisional Patent Application

Filed: _____

Applicant's Docket No.: A0623

For: **Automatic Tab Displaying and Maximum Tab Storing User Interface And A Reproduction Machine Having Same**

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

DECLARATION OF TALLAM I. NGUTI

I, TALLAM I. NGUTI, hereby declare and state that:

1. I am a citizen of the United States with the address indicated below next to my signature.
2. I am a Xerox Corporation Patent Attorney in the Intellectual Property Law Department (IPLD). I am located in Rochester New York and Xerox Corporation headquarters are in Stamford Connecticut.
3. I am responsible for preparing, filing and prosecuting patent applications throughout the world for Xerox Corporation. As part of my responsibilities, I prepare draft applications for review by the inventor(s), and I coordinate with the inventors to prepare a final draft of the application for filing in the U.S. Patent and Trademark Office.
4. In October 1999, lead inventor William Emerson and 9 others listed as co-inventors (with Joseph Miska and Kelly J. Breuer listed respectively as Nos. 6 and 9 co-inventors) submitted a first Invention Disclosure (No. 991808) to IPLD entitled "User Interface Navigation Using Collapsible Tabs."

5. In June 2000, Kelly J. Breuer and Joseph Miska by themselves (with Kelly J. Breuer as lead inventor) submitted a second Invention Disclosure (A00983) to IPLD entitled "User Interface Navigation Using Folding Tabs" to cover a slight improvement over the first Invention Disclosure 991808.

6. The IPLD decided to combine both Invention Disclosures into one docket file, D/A2036.

7. From about May 2002, I started working with William Emerson (lead inventor 991808) and Joseph Miska (co-inventor A00983 because Kelly J. Breuer could not be reached) on drafting a patent Application to the combined disclosures.

8. On October 31, 2002, the prepared draft patent Application entitled "Automatic Tab Displaying and Maximum Tab Storing User Interface And A Reproduction Machine Having Same" was forwarded to the inventors their review and comments if required. A copy of the October 31, 2002, letter is attached.

9. Because we did not hear from Kelly J. Breuer, we on November 6, 2002 sent a letter of inquiry to the Director of the Xerox Business Division where Kelly J. Breuer was last working. A copy of the November 6, 2002, letter is also attached.

10. In response to our November 6, 2002 inquiry letter, we learned for the first time that Kelly J. Breuer had been terminated from Xerox for misconduct about a year earlier, which would have been about November 2001. See the November 6, 2002, letter. Actual termination date was May 9, 2001, see attachment (C).

11. All Xerox employees upon joining the company are required to execute a Proprietary Information and Conflict of Interest Agreement (PICIA) in which they agree to assign all rights to inventions they create during a term including the term of their active employment at Xerox. A copy of Kelly J. Breuer's PICIA is attached.

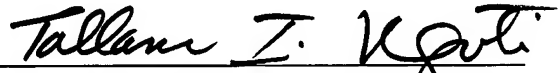
12. Since November 2002, we have made several efforts to find a current address and phone number for Kelly J. Breuer, including conducting an Internet search as well as using other sources. Our phone calls to the best phone information have gone to answering machines with no call-backs, and mail sent to the best last known address have been returned. See attached sheets including a photocopy of a returned mail envelope.

13. The filing of this application under 37 C.F.R. §1.47(b) is necessary to preserve the rights of Xerox Corporation and to prevent irreparable damage.

Kelly J. Breuer's signature on the Proprietary Information and Conflict of Interest Agreement evidences her agreement to assign the patent application to Xerox Corporation, and thus Xerox Corporation's rights in the application must be preserved. The facts outlined above show a diligent effort on behalf of Xerox Corporation to obtain the signatures of all inventors prior to the filing the patent application.

14. In view of the foregoing, it is clear that Xerox Corporation has a sufficient proprietary interest in this U.S. Patent Application.

15. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Attorney Name Tallam I. Nguti
Attorney for Applicant(s)
Registration No. 32,791
(716) 423-2477

Attachments:

- (A). October 3, 2002 letter
- (B). November 6, 2002 letter
- (C). Xerox information
- (D). May 12, 2003 memo
- (E). Internet search sheets
- (F). Copy of front of Returned Envelope

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6/19/03
Xerox Corporation
Xerox Square 20A
Rochester, New York 14644